

### REMARKS/ARGUMENTS

Claims 1-67 are presently pending. Applicants thank the examiner for renumbering the claims in view of the typographical error repeating claim number 61. The present Listing of Claims reflects the proper numbering of all claims. New claims 68-69 are presented herein. Claims 1-56 and 58-67 have been amended to clarify the claimed invention and to provide uniformity throughout the claims.

Claims 1-67 have been subjected to restriction as pertaining to distinct inventions. The claims have been restricted to one of the following groups:

I. Claims 2-3, 5-9, 12-13, 16, 18, 20-33, 61-62, and 64-66 drawn to a double stranded RNA molecule comprising a third strand of RNA that comprises a ribozyme and a target sequence present in the third strand which is cleaved by the ribozyme, classified in class 536, subclass 24.5.

II. Claims 2-3, 5-11, 17, 19-33, 61-62, and 64-66 drawn to a double stranded RNA molecule comprising a third region comprising RNA encoding the protein Tat, classified in class 536, subclass 24.5.

III. Claims 2-3, 5-9, 17, 19-33, 61-62, and 64-66 drawn to a double stranded RNA molecule wherein the second strand comprises a polyadenylation signal and a ribozyme capable of cleaving said polyadenylation signal, classified in class 536, subclass 24.5.

IV. Claims 2-3, 5-9, 14, 17, 21-33, 61-62, and 64-66 drawn to a double stranded RNA molecule that comprises a third strand comprising an intron or linker, classified in class 536, subclass 24.5.

V. Claims 34-58, 60, and 63 drawn to methods of inhibiting protein expression using a double stranded RNA comprising a first and second portion which comprises a polyadenylation signal and a hammerhead ribozyme, classified in class 514, subclass 44.

VI. Claims 59 and 67, drawn to a method of identifying the function of a gene in a cell using a double stranded RNA molecule, classified in class 435, subclass 6.

Applicants respectfully traverse this requirement on the following grounds. . .

First, applicants respectfully assert that the examiner may have misapprehended the claims. The amendments presented herein are directed in part to clarifying the invention

based on Applicants' reading of the Office Action. For example Groups I and IV are allegedly "drawn to a double stranded RNA molecule comprising a third strand of RNA" and "drawn to a double stranded RNA that comprises a third strand of RNA" however, nowhere in Claim 2, or any claim dependent therefrom, is there any reference to any third strand of RNA on which this grouping can be based. Several claims have limitations to "third portions" but these "portions" are not the same as third "strands" and thus the basis for the grouping is not apparent. Further, claims 2 and 3 are clearly directed to double stranded RNA complexes whereas claims 5-9 are directed to linear RNA molecules.

Applicants respectfully submit that the restriction requirement as issued may be based on a misunderstanding of the claims resulting in improper grouping. Applicants respectfully request reconsideration of the restriction requirement .

In addition, contrary to the assertion by the examiner, Applicants respectfully submit that searching, for example Groups I-IV would impose no additional burden on the Office. The claims are directed to various RNA complexes or molecules capable of hybridizing to or even cleaving particular target sequences. Applicants respectfully submit that a proper search of one Group would likely uncover references related to the inventions of the other Groups, even where the targets differ.

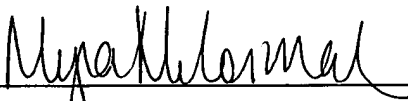
To be fully responsive to the restriction requirement, Applicants provisionally elect Group I, claims 2-3, 5-9, 12, 13, 16, 18, 20-33, 61-62, and 64-66, as described above, for further prosecution in this application. Applicants reserve the right to prosecute claims directed to any non-elected inventions, deemed herein as distinct, in one or more continuing or divisional applications.

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